

APPROVED
AFFORDABLE HOUSING ADVISORY COMMITTEE
MEETING MINUTES
CITY OF FORT LAUDERDALE
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
MONDAY, JUNE 13, 2016 – 9:00 A.M.

Board Members		Attendance – July 2015 through June 2016	
		Present	Absent
Roosevelt Walters, Chair	P	10	0
Edwin Parke	P	10	0
Brian Poulin (left at 9:58 a.m.)	P	8	2
**Skeet Jernigan	A	0	1
Peter Cooper	P	10	0
*Katharine Barry (<i>Appt. 1/5/16</i>) (arr. at 9:16 a.m.)	P	3	2
*Mitchell Rosenstein (<i>Appt. 2/2/16</i>)	P	3	1
*Fran Epstein (<i>Appt. 6/16</i>)	A	0	1

*Members were appointed after July 2015

**Skeet Jernigan reinstated 04/29/2016 per Vice Mayor Dean Trantalis

At this time, there are 8 appointed members to the Board, which means 5 would constitute a quorum.

Staff

Avis A. Wilkinson, Housing Programs Administrator, AHAC Liaison
Mona Laventure, Prototype, Inc.

Communication to the City Commission

Motion made by Ms. Barry, seconded by Mr. Parke, to submit the original version of the proposed Ordinance to that City Commission, accompanied by a letter of transmittal saying that is the version created by the AHAC as asked.

Mr. Rosenstein commented the Commission will get both copies whether the Committee likes it or not, and he thought it likely that the Commission would accept the version from the Legal department.

Mr. Cooper made a friendly amendment to the **motion** that changes were presented to the Committee from the Legal Department that the Committee questioned and could not receive answers on, and therefore, wanted to advise the City Commission to that point. Changes had been made with no explanation to the Committee. Ms. Barry accepted the amendment.

In a voice vote, the motion passed.

I. Call to Order & Determination of Quorum

Chair Walters called the meeting to order at 9:07 a.m. A quorum was present.

II. Approval of Minutes – May 9, 2016

Motion made by Mr. Rosenstein, seconded by Mr. Cooper, to approve the minutes of the May 9, 2016, meeting. In a voice vote, the motion passed unanimously (5-0).

III. Old Business

➤ Final Affordable Housing Trust Ordinance Review

Chair Walters directed the Board's attention to the original Ordinance, and staff said that all changes submitted to her had been made to the document. Ms. Wilkinson clarified that the one they are perusing was the one the Board had previously approved. She said they are going to submit this document to the City Manager, who will make a final decision on the document.

Mr. Cooper said they should vote to submit the Ordinance as written and state they do not support the changes made by the City. Mr. Rosenstein wondered if they should explain why they do not support the City Attorney's version. Chair Walters believed they could accomplish that in the minutes.

Motion made by Mr. Poulin, to reject the City Attorney's version of the Ordinance and that they submit their written approved Ordinance to the City Commission. Motion not brought to a vote.

Chair Walters recommended separating the two parts of the motion.

Motion made by Mr. Poulin, seconded by Mr. Cooper, to reject the City Attorney's version of the Ordinance.

A document comparing the two versions was distributed by Ms. Wilkinson.

Mr. Rosenstein pointed out probably that the most critical revision is the one that precludes the City from being able to use the trust funds with tax credit use, the ones that can have the majority of its units as affordable housing. Those programs can leverage subsidies well, but the City Attorney had suggested that the City not use trust funds with those. Chair Walters added that the revised version also specifies a maximum amount of funds that can be used, and the Committee would want a minimum.

[Ms. Barry arrived at 9:16 a.m.]

Mr. Rosenstein clarified that they do not preclude tax revenues, but by setting a maximum of 20% where low and very low households are included, the practical effect is that they do not want any 9% tax credit deals to be funded with the trust fund. Mr. Rosenstein said that in Florida, with 9% transactions, typically all of the units are affordable, or at least the vast majority. He added that there can be alternate structures with bond 4% tax transactions, where 20% of the units are affordable (not commonly seen in Florida).

Mr. Cooper believed they should communicate that nobody from the City appeared at the workshop meeting, and the Committee was left in limbo. Chair Walters said the purpose of the request was limited – to get an understanding and interpretation of certain portions of the revisions. Perhaps they did not interpret it in the same fashion.

Mr. Parke thought the issue might drag out if they totally reject the City Attorney's version, and he suggested making corrections. The members of the Committee disagreed, saying they did not understand their proposal. Ms. Wilkinson recommended rejecting their version to keep the issue clear. She said that Johnathan Brown is going to present the Committee's approved proposal to the City Manager and discuss what the City Attorney has done. She suggested that the Committee could send a letter along with the proposal if they so wished. It was pointed out that the City provided them with a document that was a hybrid of several, but not a clear representation of the changes they made.

In a voice vote, the **motion** passed unanimously (6-0).

Motion made by Mr. Poulin, seconded by Ms. Barry, to submit to the City Manager the Committee's approved version of the Ordinance for review and comparison.

Staff noted that the document would have to go first to the City Manager, who would make a decision, and staff would then make it an agenda item for City Commission review. Ms. Wilkinson added they are allowed to send it directly to the City Commission via a Communication. Chair Walters preferred sending it to City Manager so there would be room for dialogue. Mr. Cooper wanted to send it to the individual Commissioners.

In a voice vote, the **motion** passed unanimously (6-0).

Motion made by Ms. Barry, seconded by Mr. Cooper, to send the Committee's version of the Ordinance to the City Commission. Motion was later restated.

Mr. Poulin thought it might cause confusion to send it to the City Commission, since the City Manager had made changes. Board consensus was that there should be an explanation letter as to why the City Attorney's Ordinance is being rejected.

Staff clarified that the Committee's version had been submitted to the Legal Department for review, but Assistant City Attorney Solomon made the revisions. Staff added there may have been a miscommunication that resulted in no one appearing for the last meeting. Discussion ensued on why no one from the City Manager's office appeared at the last meeting, with staff explaining that the City Manager's office did not think it necessary because there were no legal ramifications to the discussion. Mr. Brown had communicated to them, and they thought it was a policy issue.

Ms. Wilkinson advised there is a mechanism to communicate with the City Commission – a Communication to the City Commission – however, the City Manager would also receive it, and the explanatory letter would be attached.

Mr. Parke asked what the process was to get the Ordinance approved, and Ms. Wilkinson explained that it first goes through the City Manager, and then the City Commission item is created once it is determined which version he wants to use. Then the City Manager and Legal Department review it and present it to the City Commission. She clarified that the City Commission will see the original Ordinance, but it will not be seen in its final form until it becomes a City Commission agenda item.

Ms. Wilkinson advised that the Committee will have to draft the letter to the City Commission about the Ordinance, and she will attach it to the Communication, after review by the Committee.

Chair Walters advised he would vote against the motion because he believed it would slow the entire process. Mr. Poulin said he would rather see the City Manager select one version and then go to the City Commission with changes, while Mr. Cooper wanted to go ahead and send the Communication.

Motion restated by Ms. Barry, seconded by Mr. Cooper, to send the Committee version of the Ordinance to the City Commission along with the version drafted by Assistant City Attorney Solomon, stating this is our version and we have not been able to speak to the Legal office despite a number of requests, to find out why substantive changes were made. In a voice vote, the motion failed (3-3) with Chair Walters, Mr. Poulin, and Mr. Parke opposed.

Discussion followed on what course of action the City Commission might take if they only see the City Attorney's version of the Ordinance, with the opinion being expressed that they would be more likely to accept that version.

Ms. Wilkinson reiterated that the Legal staff said it was told to them by Mr. Brown that the issues were not legal issues, but were policy issues, and that was their justification

for not coming to the meeting. She further commented that if the Committee made a Communication to the City Commission, all parties would receive it, including the City Manager, and it would be put on the Conference Agenda as a Communication (including motions and minutes). It would be addressed by all at the same time, and the Committee would have a platform to speak about it.

Ms. Wilkinson suggested sending both versions of the proposal to the City Commission, and mention in the letter that the Committee was tasked with reviewing the Ordinance. She advised leaving it to the Commission to decide what to do with it. There is no guarantee which version they take forward. After that is reviewed, it will be presented as a formal Commission Agenda item and the Board can come forward at that time.

Chair Walters mentioned that if the Commission does not get to an item on the Conference agenda, it may show up at the following regular Commission meeting. Ms. Wilkinson emphasized there is no guarantee they would address it on the Conference agenda. If they do not, she said it would not be on the six o'clock agenda until after it has been reviewed by staff.

Because he had to leave early, Mr. Poulin advised that if there is a meeting in August he would be on vacation, and in September he will out of the State on business. He hoped he would be allowed to call in.

Chair Walters noted that if the City Commission is on break on August, that the Committee also take a break. Ms. Wilkinson advised that she and her staff will be away at a conference on the proposed September meeting date.

Motion made by Mr. Poulin, seconded by Mr. Parke, to not meet in August when the City Commission is on recess. In a voice vote, the motion passed unanimously (6-0).

After a brief discussion, Ms. Wilkinson stated that the September meeting would be changed to September 26, 2016.

[Mr. Poulin left the meeting at 9:58 a.m.]

Communication to the City Commission

Motion made by Ms. Barry, seconded by Mr. Parke, to submit the original version of the proposed Ordinance to that City Commission, accompanied by a letter of transmittal saying that is the version created by the AHAC as asked.

Mr. Rosenstein commented the Commission will get both copies whether the Committee likes it or not, and he thought it likely that the Commission would accept the version from the Legal department.

Mr. Cooper made a friendly amendment to the **motion** that changes were presented to the Committee from the Legal Department that the Committee questioned and could not receive answers on, and therefore, wanted to advise the City Commission to that point. Changes had been made with no explanation to the Committee. Ms. Barry accepted the amendment.

In a voice vote, the motion passed.

Ms. Wilkinson advised the board to read through Resolution No. 12-84 regarding the procedure to request calling in to a meeting.

Ms. Wilkinson announced a new Board member, Frances Epstein, who will finish out the term vacated by Shanara Anderson.

Ms. Wilkinson also said she is working on getting more parking stickers.

Mr. Rosenstein stated that he had just drafted a letter to accompany the Communication and read it aloud, with the Committee members providing suggestions. After review, the Committee approved the letter by consensus.

Ms. Wilkinson reminded the Committee that the letter, the minutes, and the Communication will go to staff, who will send it directly to the Commission.

IV. New Business – None.

V. Agenda Topics for Next Meeting – None.

VI. Good of the Order

Hearing no further business, the meeting adjourned at 10:22 a.m.

Next Meeting Date: July 11th, 2016

[Minutes prepared by J. Rubin, Prototype, Inc.]

Attachments:

Ordinance – Original version approved by the Committee – Ms. Wilkinson

Ordinance – City Manager's version – Ms. Wilkinson

Ordinance – Comparison document of the two versions – Ms. Wilkinson